

**DETAILED ACTION**

1. This communication is a First Action Non-Final on the merits. Claims 1-24, as originally filed, are currently pending and have been considered below.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 12, recite "external processing resource" it is unclear what applicant means by this limitation in this claim. Appropriate clarification is required.

Claims 2-11 are dependent on claim 1 and claims 13-22 are dependent on claim 12 and are therefore rejected using the same rationale as set forth above.

Claims 5 and 16 recite the limitation "staging". It is unclear what applicant means by the limitation in these claims. Appropriate clarification is required.

Claim 24 recites the limitation "data stager". It is unclear what applicant means by the limitation in this claim. Appropriate clarification is required

- Claim 2 recites the limitation "said connecting at least one sales process" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 23 and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 23 recites the limitation "sales process integration engine" which examiner is interpreting to be a type of software. The system contains data structures not claimed as embodied in computer-readable media and therefore are descriptive material *per se* and are not statutory because they are not capable of causing function change in a computer. See *In re Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760.

Claim 24 recites the limitation "data synchronizer" which examiner is interpreting to be a type of software. The system contains data structures not claimed as embodied in computer-readable media and therefore are descriptive material *per se* and are not statutory because they are not capable of causing function change in a computer. See *In re Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5, 8, 10, 12-16, 19, and 21 are rejected under 35 U.S.C. 102(e) as

being anticipated by Burk et al. (2003/0097317).

As per claim 1, Burk et al. discloses "A method for sales process integration, the method comprising:

communicating data representative of at least one sales process having at least one of a plurality of contexts to at least one external processing resource" (Fig 44 and pg. 17, ¶ 411; via coupled to a network is a plurality of computers which may be connected by way of a server that would pass data to and from the computers which represent the external processing resources and pg. 22, ¶ 489 discloses a network-based supply chain communication between stores, distributors, suppliers, supply chain manager, and an office of the supply chain manager, which represent the plurality of contexts of the sales processes of the supply chain);

"acquiring sales process related information from said at least one external processing resource" (pg. 27, ¶ 583; via restaurants send detailed menu sales information to the Integrated Supply Chain Management System [ISCM] from their point of sale registers, where the point of sale register represents the external processing resource of the restaurant);

"processing said acquired sales process related information" (pg. 27, ¶ 584; via this information enables the entire supply chain to better plan inventory stocking levels and replenishments, where the replenishment schedule is created through processing the sales process related information);

"and communicating said processed sales process related information to said at least one sales process" (pg. 27, ¶ 581 discloses the Integrated Supply Chain Management System [ISCM] portal that functions as a facilitator in the supply chain by efficiently collecting, transporting, transforming and sharing information across the enterprise).

Claim 12 recites equivalent limitations to claim 1 and is therefore rejected using the same art and rationale as set forth above.

As per claim 2, Burk et al. discloses "acquiring sales process related information occurs in one of real-time and at a time subsequent to said connecting at least one sales process" (pg. 10, ¶ 304; via a theme of this model is transparent communication of real time information to the supply chain participants).

Claim 13 recites equivalent limitations to claim 2 and is therefore rejected using the same art and rationale as set forth above.

As per claim 3, Burk et al. discloses "managing communication between said at least one sales process and said at least one external processing resource" (Fig 58 and pg. 27, ¶ 582; via The Integrated Supply Chain Management System [ISCM] distributes forecast and consumption data to the supply chain participants, each utilizing external processing resources, where the forecast and consumption data represents sales process information).

Claim 14 recites equivalent limitations to claim 3 and is therefore rejected using the same art and rationale as set forth above.

As per claim 4, Burk et al. discloses "processing further comprises synchronizing said sales process related information transfer between said at least one sales process and said at least one external processing resource" (pg. 27, ¶ 581; via collecting, transforming, and sharing information across the enterprise, where the enterprise represents the external processing resources of all of the participants in the supply chain).

Claim 15 recites equivalent limitations to claim 4 and is therefore rejected using the same art and rationale as set forth above.

As per claim 5, Burk et al. discloses "synchronizing further comprises: translating sales process related information from a first non-native format to a second native format" (pg. 8, ¶ 278 discloses translating the format of the data in accordance with the parameters of the defined data types, where the data is translated from its original non-native format to be in accordance with the current native format of the particular supply chain participant);

"validating said translated sales process related information" (pg. 8, ¶ 277; via format of the data is verified);

"staging said validated sales process related information" (pg. 8, ¶ 277; via facilitating an analysis of the data in operation, where examiner is construing staging to be the facilitation of the analysis);

"and referencing said validated sales process related information to determine associations" (pg. 8, ¶ 279; discloses that the data is processed in operation, a request is received from a user for the processed data in operation, and the user is then

identified as relating to a store, distributor, or supplier in operation, where the identification of the user is the determination of the association).

Claim 16 recites equivalent limitations to claim 5 and is therefore rejected using the same art and rationale as set forth above.

As per claim 8, Burk et al. discloses "processing of said acquired sales process related information further comprises:

"detecting operational errors" (pg. 12, ¶ 344 discloses that data is checked for errors in operation);

"and notifying at least one of a sub-system and a system operator of said detected error" (pg. 13, ¶ 345 discloses an error log that may be transmitted to the point of sale outlets of the supply chain participants and to a supply chain manager utilizing a network, where point of sale outlets of the supply chain participants are the sub-system and the supply chain manager is the system operator).

Claim 19 recites equivalent limitations to claim 8 and is therefore rejected using the same art and rationale as set forth above.

As per claim 10, Burk et al. discloses "configuring operations of at least one of said connecting, acquiring, processing, and said communicating steps" (pg. 27, ¶ 581 discloses an Integrated Supply chain Management System portal that functions as the facilitator in the supply chain by efficiently collecting, transporting, transforming, and sharing information across the enterprise).

Claim 21 recites equivalent limitations to claim 10 and is therefore rejected using the same art and rationale as set forth above.

8. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Ward et al. (5,463,555).

As per claim 23, Ward et al. discloses "A system for sales process integration, the system comprising:

a sales process integration engine, said sales process integration engine comprising:

an integration configurator" (col. 18, line 10; via configuration management element);

"a data synchronizer coupled to said integration configurator" (col. 10, line 28-31 discloses a manufacturing execution system that is used to synchronize data);

"a service scheduler coupled to said integration configurator" (col. 13, line 50-55 discloses a plant production scheduler);

"and a service notifier coupled to said integration configurator" (col. 26, line 31-35 discloses a manufacturing execution system that can notify other applications of process events and other events).

#### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6, 7, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burk et al. in view of Johnson et al. (6,067,525).

As per claim 6, Burk et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "scheduling said processing of said acquired sales process related information".

Johnson et al. discloses an integrated computerized sales force automation system that schedules the processing of acquired sales process related information (col. 15, line 24-28 discloses a payment schedule where the information related to the payment is acquired sales process related information).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the supply chain management framework of Burk et al. to include the "scheduling of said processing of said acquired sales process related information" as taught by Johnson et al. since such would ease the burden on the supply chain participants by automatically processing sales process related information according to a predetermined schedule.

Claim 17 recites equivalent limitations to claim 6 and is therefore rejected using the same art and rationale as set forth above.

As per claim 7, Burk et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "scheduling further comprises controlling at least a frequency of said acquiring sales process related information from said at least one external processing resource".

Johnson et al. discloses an integrated computerized sales force automation system that controls the frequency of acquiring sales process related information (col. 15, line 44-50; via the salesperson may also be able to edit payment frequency).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the supply chain management framework of Burk et al. to include the "controlling of at least a frequency of said acquiring sales process related information" since such would ease the burden on the supply chain participants by automatically processing sales process related information according to a predetermined schedule and frequency.

Claim 18 recites equivalent limitations to claim 7 and is therefore rejected using the same art and rationale as set forth above.

11. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burk et al. in view of Schmidt et al. (2002/0026630).

As per claim 9, Burk et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "detected operational errors comprises a plurality of severity levels".

Schmidt et al. discloses an enterprise application integration methodology that "detects operational errors using a plurality of severity levels" (pg. 14, ¶ 431 discloses error severity levels).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the supply chain management framework of Burk et al. to include the "error severity levels" as taught by Schmidt et al. since such

would further classify the errors detected by the system by their severity which would facilitate the treatment of those errors.

Claim 20 recites equivalent limitations to claim 9 and is therefore rejected using the same art and rationale as set forth above.

12. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burk et al. in view of Hauser et al. (2004/0002944).

As per claim 11, Burk et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "external processing resource comprises at least one of SAP, order management system (ODM), customer relationship management (CRM), document management system (DMS), learning management system (LMS) and lightweight directory access (LDAP) system".

Hauser et al. discloses an integration of heterogeneous application system having an "external processing resource comprises at least one of SAP, order management system (ODM), customer relationship management (CRM), document management system (DMS), learning management system (LMS) and lightweight directory access (LDAP) system" (Fig 5 and pg. 3, ¶ 42; via data table can describe sales information about products for a customer relationship management system. Figure 5 shows that said data table is located within an external processing resource).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the supply chain management framework of Burk et al. to include the customer relationship management system as taught by Hauser et al. since such would facilitate the operations of the supply chain.

Claim 22 recites equivalent limitations to claim 11 and is therefore rejected using the same art and rationale as set forth above.

13. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al. and further in view of Nguyen et al. (2004/0064487).

As per claim 23 Ward et al. discloses "The system according to claim 23, wherein said data synchronizer further comprises:

an integration communication interface (col. 25, line 8-5 discloses an interface necessary to communicate);

a data mapper coupled to said integration communication interface (col. 10, line 31-35 discloses master data code files that are used to map data);

and a data stager coupled to said integration communication interface (col. 11, line 1 discloses a manufacturing execution system that executes the manufacturing cycle order initiated by the set points, where the data stager is construed to be the part of the system that facilitates the execution of the operations of the system).

Ward et al., however, fails to explicitly disclose "a data validator". Nguyen et al. discloses a method and apparatus to migrate a database having a "data validator" (pg. 3, ¶ 31; discloses data validators). Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the supply chain management framework of Burk et al. to include the "data validator" as taught by Nguyen et al. since such would ensure that the data contained in the system is correct and valid.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wildhagen et al. (2004/0044998) discloses a phased upgrade of a computing environment.

Bhaskaran et al. discloses a method and framework for coordination of a business process.

Magers et al. discloses a method for planning and implementing supply chains.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571)270-5105. The examiner can normally be reached on Monday-Friday (7:30-5:00) with First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (572) 272-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CDC

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